

that the two Houses would adjourn *sine die* on the 16th inst., at 10 o'clock, A. M., was taken up.

Mr. Throckmorton moved to lay the resolution on the table ; lost.

The amendment of the House was then concurred in by the Senate.

A bill to provide for the boring of Artesian Wells between the Nueces and Rio Grande Rivers, was read a first time.

On motion of Mr. Britton, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

Mr. Burroughs made the following report :

The committee on Enrolled bills have examined and find correctly enrolled :

An act to repeal the act of January 26th, 1856, to authorize the county of Brazoria to regulate and discontinue public and private roads.

An act to create the county of Chambers.

An act granting Abner C. Davis pay for services in the army of the Republic of Texas.

An act to authorize the Tellico Manufacturing Company to construct a Toll Bridge across the Trinity river.

An act to incorporate the Guadalupe Bridge Company.

An act to authorize the Comptroller to pay to S. A. Mave-
rick the funds of the Mexican Gulf Railway Company.

A joint resolution relative to the portrait of the late Abner S. Lipscomb.

An act for the relief of William Lee.

An act for the relief of the heirs of John B. Well.

An act to relinquish the right of the State to certain lands therein named.

And having been signed by the proper officers were this day presented to His Excellency the Governor for his approval.

On motion, the Senate adjourned until to-morrow morning at 9 o'clock.

SATURDAY, February 6th, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Russell chairman of the committee on Engrossed bills, reported

A bill to provide for a Digest of the Laws of Texas, ~~en~~rectly engrossed.

Mr. Pirkey, Chairman of the committee on Public Land, to which was referred a House bill for the relief of the heir of John B. Fox, reported the same back to the Senate and recommended its passage.

On motion of Mr. Taylor, of Fannin, the rule was suspended and bill read a second time.

On motion of Mr. Erath, the bill was amended by adding *Provided*, the patent shall not issue if there is evidence in the Land Office that the party has heretofore received 900 acres as a bounty for said services.

The bill was then passed to a third reading.

Rule suspended, bill read a third time and passed.

Mr. McCulloch made the following reports:

The committee on Counties and County Boundaries, have considered the following House bills, viz:

A bill to change the boundary of Medina county.

A bill to amend an act to create the county of Llano, and

A bill to amend an act to create the county of San Saba and instruct me to recommend their passage.

On motion of Mr. McCulloch, the rule was suspended, and a bill to amend the act to create the county of Llano, was taken up, read, and passed to a third reading.

Rule further suspended, bill read a third time and passed

On motion of Mr. McCulloch, the rule was suspended,

The bill to amend an act to create the county of San Saba, was taken up, read, and passed to a third reading.

Rule further suspended, bill read a third and passed.

The committee on Counties and County Boundaries have considered a bill to define the dividing lines between the counties of Hill, Navarro and Limestone, and from an examination of the maps respecting the boundaries and the present locations of the County Seats of said counties and conclude that the change proposed will have a tendency to make the County Seats permanent and improve the shape of the counties. I am therefore instructed to recommend the passage of the bill.

On motion of Mr. Pedigo, a House bill declaring the true intent, meaning and construction of the 8th Section of an act to encourage the improvement of the navigation of the rivers and other navigable waters in Texas, &c., &c., passed. August 1st, 1856, was taken up and read a second time.

Mr. Stockdale offered the following amendments:

In line seven, Section 1, strike out "Sabine river," and insert "each of the rivers therein named, to-wit: The Sabine, Red River and the Rio Grande.

Make the word "sum" in the tenth line "sums," and "river," in eleventh line, "rivers;" rejected.

The bill was then passed to a third reading by the following vote:

YEAS—Messrs. Britton, Burroughs, Erath, Fall, Graham, Hyde, Lott, McCulloch, Martin Maverick, Pedigo, Pirkey, Potter, Shepard, Tankersly, Taylor, of Cass, Truitt, Whaley and Wigfall—19.

NAYS—Messrs. Grimes, Guinn, Paschal, Russell and Stockdale—5.

Rule suspended bill read a third time and passed.

On motion of Mr. Britton, the motion of Mr. Pirkey, to reconsider the vote passing a bill to relinquish the right of the State to certain lands therein named was taken up.

Mr. Pirkey withdrew his motion.

A message was received from the House informing the Senate that the House had passed the following bills originating in that body.

A bill for the relief of Alexander Patrick.

A bill for the relief of Isaac D. Hamilton.

A bill for the relief of the widow and heirs of Daniel Martin, deceased.

A bill to repeal an act to regulate Mustang Chases west of the San Antonio river, and

A bill granting to certain persons therein named the privilege of erecting a Toll Bridge across the Angelina river and to bridge its sloughs, at or near Buck Shot crossing.

A bill supplemental to an act fixing the time of holding the District Courts in the 14th Judicial District, was taken up and read first time.

On motion of Mr. Britton, the rule was suspended and bill read a second time.

On motion of Mr. Stockdale, the bill was amended, so as to make the caption read:

A bill supplemental to an act entitled an act to change the time of holding the District Courts in the 10th and 14th Judicial Districts.

The bill was then passed to a third reading.

Rule suspended, bill read a third time and passed.

Mr. Pedigo introduced a bill supplemental to an act entitled an act to create the county of Chambers ; read first and second times and referred to the committee on Counties and County Boundaries.

A Joint Resolution authorizing Wm. M. Spalding to bring suit against the State in the District Court of Liberty county, was read first time.

On motion of Mr. Potter, the rule was suspended, and Joint Resolution read second time.

Mr. Guinn offered the following amendment :

Should it appear on the trial of this cause in court, that Mr. Spalding has been fully compensated by individuals for all the labor performed by him on the premises, in that case the State of Texas shall not be liable for any damage for the repeal of said Charter ; adopted.

On motion of Mr. Maverick, the Joint Resolution was referred to the committee on the Judiciary.

A House bill making provision for the translating and printing of certain General Laws, into the Spanish, German and Norwegian languages, was read first time.

Mr. McCulloch moved a suspension of the rules in order that the bill might be placed upon its second reading ; lost.

Mr. Taylor, of Fannin, made the following report :

The committee on Education have considered a House bill making an appropriation for the purchase of a permanent location for the institution established for the education of the blind of the State of Texas, and instruct me to recommend its passage with the following amendments :

Amend by adding to Section 4 :

Provided, No improvement shall be made upon any property so purchased until said purchase shall be ratified by the Legislature.

Add the following as an additional Section :

Section — That should the Trustees select a location upon property belonging to the State as directed under provisions of the first part of the 3d Section of this act, they shall under the direction of the Governor, Comptroller and Secretary of State, expend the \$12,500 00, or so much thereof as may be necessary for the purpose of erecting thereon suitable buildings for said Institution.

On motion of Mr. McCulloch, the rule was suspended, bill and report taken up, read amendments adopted and bill passed to a third reading.

Rule further suspended, bill read a third time and passed.

Mr. Pirkey made the following reports:

The committee on Public Lands have examined a bill for the relief of Thomas Cochrane. The evidence before the committee showed that Cocherane served three months from the 27th of February, 1836. As a warrant may have issued and be outstanding, the committee instruct me to recommend the adoption of the following amendment and the passage of the bill.

Amendment—Provided said certificate shall not issue until after the the 1st day of September, next.

On motion of Mr. Caldwell, the rule was suspended, bill and report taken up, read, amendment adopted and bill passed to a third reading.

Rule suspended, bill read a third time and passed.

The committee on Public Lands have considered the petition of Sam Jordon, who asks the issuance of a certificate to him, for one third of a league in right of Juan Prado; one league in right of Lewis David, and one league in right of Jose Del Rio.

It appears to your committee that said Prado has received all the land to which he was entitled.

There is not sufficient evidence that Jose Del Rio was entitled to any land.

Lewis David appears to have received a title for one league after the closing of the land office, which was rejected by the Traveling Board. He subsequently received a certificate for a labor which has been patented. The committee think he was entitled to a league and labor and therefore instruct me to recommend the passage of the accompanying bill.

A bill for the relief of Lewis David; read first time.

The committee on Public Lands have considered a bill for relief of Robert J. Calder and instruct me to recommend its passage.

The committee on Public Lands have considered a bill for the relief Elijah Moore, and a majority of the committee instruct me to recommend its passage.

Mr. Taylor, of Cass, introduced a bill to encourage the construction of a Railroad to the Pacific.

Read first and second times and referred to the committee on Internal Improvements.

Mr. Martin, introduced a bill to create and incorporate the Texas Pacific Railroad Railroad Company; read first and

second and times and referred to the committee on Internal Improvements.

On motion of Mr. Britton, the following House bills were severally read first and second times and referred as stated.

A bill granting to the persons therein named, the privilege of erecting a Toll Bridge across the Angelina river, at or near Buck Shot Crossing—to the committee on Roads, Bridges and Ferries.

A bill to abolish the office of Clerk of the County Court, and transferring the duties heretofore required of them to the Chief Justice—to the committee on the Judiciary.

A bill to exempt ferry boats from execution or other forced sales—to the committee on the Judiciary.

A bill for the relief of the widow and heirs of Daniel Martin, deceased—to the committee on Private Land Claims.

A bill for the relief of Isaac D. Hamilton—to the same committee, and

A bill for the relief of Alexander Patrick—to the committee on Claims and Accounts.

A House bill to repeal an act to regulate Mustang chases. West of the San Antonio river, was read first time.

On motion of Mr. Britton the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A message was received from the House informing the Senate that the House had passed a bill, originating in that body, to authorize and require the Commissioner of the Court of Claims, to issue certain land certificates therein named, and the following Senate bills.

A bill to allow C. H. Nimmon to adopt two illegitimate children.

A bill to relinquish to the Galveston Dry Dock Company the right of the State of Texas to twenty-five acres of land on Pelican Flats in Galveston Bay, and

A bill supplemental to an act to incorporate the Texas Iron, Steel and Copper Manufacturing, Mining and Trading Company, passed September 1st, 1856.

On motion of Mr. Taylor of Cass, the Senate adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

On motion of Mr. Erath, a House bill to authorize and require the Commissioner of the Court of Claims to issue certain land certificates therein named, was taken up and read first time.

On motion of Mr. Guinn, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Tankersly, a bill for the relief of the heirs of John Gray, with the report of the committee on Private Land Claims offering an amendment thereto was taken up, read, amendment adopted and bill ordered to be engrossed.

Rule suspended bill read a third time and passed.

HON. F. R. LUBBUCK,

President of Senate.

SIR:—The Committee on the Judiciary to whom was referred a bill to relinquish to the Houston Texas Central Company, a certain bond therein named, have duly considered the same.

The object of the bill is to release to the Houston and Texas Central Railroad Company a bond for ten thousand dollars executed under the second section of the act to encourage the construction of Railroads in Texas, by donations of land, approved January 30th, 1854, the penalty of which is alledge to have been forfeited on the 1st of November, 1857.

The fact of forfeiture has not been ascertained by a judicial sentence, though your committee are fully convinced the Company failed to comply with the conditions of the law under which the bond was given, and that the same might be declared by judicial sentence.

In this bill two questions are presented for the consideration of the Senate. First, the expediency of allowing the relief sought; and secondly, the constitutional power of the Legislature to relinquish the penalty of the bond. Your committee believe it expedient to grant to Railroad Companies, during the infancy of their enterprizes, every facility not injurious to the general interest of the State. Regarding the many serious obstacles and difficulties with which our Railroad Companies have to contend, in building the first two or three sections of any road, your committee believe it impoli-

tic and unwise to exact any penalty or forfeiture from a Company, not incurred by wilful neglect or a positive violation of its charter. They are satisfied such was not the case with the Houston and Texas Central Railroad Company ; but that the Company made every reasonable effort to comply with the provisions of the law, and was only prevented from doing so by those general causes, which for a time, retarded, if they did not entirely stop the construction of all Railroad throughout the United States. There seems to be little difference of opinion with the committee as to the propriety of the relief sought in this case, provided the same can be constitutionally granted.

On this question members of the committee differ in opinion. The bill now under consideration is liable to the same objection urged by the Governor in the latter part of his message of the 23d ultimo, refusing his approval of "An Act for the relief of the Houston and Texas Central Railroad Company, and which act was returned to this House with his objection.

The objection of the Governor, and of those who differ in opinion from the majority of the committee, is, that a forfeiture or penalty once incurred, in a case like this, cannot be remitted by the Legislature, but becomes the subject of Executive clemency when attempted to be enforced under judicial sentence.

From this position, the undersigned members of the committee beg leave to dissent. In giving the reasons which induce them to entertain a different view as to the constitutional power of the Legislature, they will endeavor to treat the Governor's opinion with that respect and consideration to which the high source from which it emanated is entitled.

The first portion of Section 11th, of Article 5th, of the Constitution is relied upon, to show that the power of "remitting fines and forfeitures" is granted to the Executive and is therefore denied to the Legislature. The language, as follows, to-wit :

"In all criminal cases, except in those of treason and impeachment, he (the Governor) shall have power, *after* conviction to grant reprieves and pardons ; and under such rule as the Legislature may prescribe, he shall have power to remit fines and forfeitures."

It is true, the three Departments of Government are separate and distinct, and the powers *properly* attached to one cannot be exercised by any person or body of persons being a

the other, unless expressly permitted by the Constitution. And whilst it is clear, that the Supreme Executive power of the State is vested in the Governor ; the Legislative power of the State in a Senate and House of Representatives ; and the Judicial power in one Supreme Court, in District Courts, and in such inferior Courts as the Legislature may from time to time create, it cannot be denied that many of the powers of the Government are exercised by persons, being of the Legislative, Judicial or Executive Departments, indifferently as the Legislature may prescribe. Many land certificates, bounty warrants and donation claims have been issued by the Secretary of War, Adjutant General and Commissioner of the Land Office, and as many have been obtained through the medium of the Judicial tribunals. The same might be said with regard to many other powers of the Government. The allowing of a mandamus or injunction to command or enforce an inferior officer to perform a duty, or to restrain him from the performance of an act is the exercise of a Judicial power. Yet the Legislature may repeal the power of awarding a mandamus or injunction altogether. And the reason is obvious; these powers are only incidental and not *properly*, or *necessarily* attached to the Judicial Departments.

But it may be said, that the power expressly conferred upon the Governor, by the Constitution, is necessarily withheld from the Legislature. Had the power to grant pardons and to remit fines and forfeitures been *vested* in the Governor as the Supreme Executive powers is *vested* in him, as the Legislative power are *vested* in two distinct branches, and the Judicial power is *vested* in the Courts, no one could doubt, that this would have excluded the Legislature from the exercise of the same power. In that case, the power of granting pardons and of remitting fines and forfeitures would have been properly attached to the Executive Department, as the Supreme Executive power now is. But because the Governor has power to grant pardons in criminal cases, and to remit fines and forfeitures, it does not follow that the Legislature may not repeal every criminal law in the land, throw open every prison door and bid every prisoner go free, and release every fine and forfeiture and bond due the State. The mere repeal of the laws which authorize the detention of prisoners before or after conviction, and recovery of forfeiture, and penal bonds, would produce this result. Against such absurd action on the part of the Legislature, there is no

restraint except through the ballot box. All that can be said is that the Legislature cannot restrain the Governor from exercising the pardoning power in those cases, in which it is conferred by the Constitution. But a glance at the clause of the Constitution relied upon, will show that the Governor only has power to reprieve or pardon criminal cases *after* conviction. And he only claims the power of remitting the forfeitures when the same are about being enforced under judicial sentence. Now what becomes of the power, incident to all sovereignty, to grant pardons and to remit fines and forfeitures *before* conviction and judicial sentence? This power is not expressly conferred upon the Governor nor does he claim it. If the power reside not in the Legislature, it does not exist at all; and this would be to deny the State one of the necessary prerogatives of a Sovereign. To deny such a power would be simply absurd. The Legislature might repeal the whole body of criminal laws, and after their repeal no crime could be punished, nor fine nor forfeiture in a criminal case, nor misdemeanor enforced, unless the same should be saved to the State.

The *fines* and *forfeitures* mentioned in this clause of the Constitution are those resulting from some crime, misdemeanor or quasi offence. The power to remit is not absolutely vested in the Governor, but is made to depend upon the rule to be established by the Legislature. In prescribing these rules it was competent for the Legislature to declare the conditions upon which the Governor should exercise the power. The exercise of the power might have been authorized before or after conviction, and made to depend upon the recommendation of the Jury, the Court, the Legislature, or have been left to the discretion of the Governor. Had no rules been prescribed by the Legislature, the Executive would have been without power to release fines and forfeitures of any character.

The act of 26th February, 1848, was intended to prescribe the rules under which the Governor might exercise the power of remitting fines and forfeitures.

The first section of this act only relates to fines and forfeitures of a pecuniary character, arising from the omission of some duty, or the commission of some offence, or misdemeanor, for which a conviction may be had. Such as the neglect of duty, as an overseer of the road, disturbing religious worship, burning the prairies, obstructing navigable

water courses, and cutting timber on the land of another and many other like offences for which a pecuniary fine or forfeiture may be a part or the whole of the penalty. In analogy to the pardoning power, it was intended in such cases to give the Governor the power to remit such fines or forfeitures at his discretion.

But another class of forfeitures may arise under the laws of our State, and to release or restore which it has never been considered safe or wise to leave to the Executive alone. Some of these forfeitures result from the commission of high crimes, and misdemeanors, and others for quasi offences ; all involving interests of great magnitude to the State. To be convicted of several crimes respectively work a forfeiture of some of the most important rights and privileges of an American citizen ; such as the right to hold office, to vote, and to testify as a witness. There is another class of cases, however, in which a conviction works a forfeiture of still more important interests.

At the present time we have more than three hundred public and private corporations in the State ; all exercising certain rights and privileges under their franchises. Many of these corporations have received large donations of land, and others will be entitled to receive donations or grants on complying with certain conditions. Any one of these corporations is liable to be arrayed before the Courts by a writ of quo warranto, in the nature of a criminal proceeding, and on conviction of a misuser, non-user, or of any act violating the provisions of its charter, a forfeiture of the rights and privileges of its franchise, or of lands results.

These forfeitures might amount to many millions in one year. With the present Executive, the exercise of such power might be safe. We should have little apprehension of danger from its prodigal use. But we should lament to see a power so dangerous and transcendent placed in the hands of one person. The time will arrive when another will fill the Executive Chair, who may have a greater interest in these corporations, and may prove less scrupulous than the present incumbent. It certainly would be unwise to leave to one man the power to release or restore, or to withhold from restoration, rights and interests of such magnitude. So thought the Convention which limited the power of the Governor to remit the forfeitures of this class, to such cases as the Legislature might advise ; and then only *after* conviction.

The only excuse the undersigned offers for thus dwelling at

length upon the character of fines, which it was intended by the framers of the Constitution should be placed in the power of the Governor to release, with or without restriction, is the importance of the question, and as they believe, the dangerous extent of power, claimed for the Executive in the veto message. It is not so necessary to the question at issue. Neither the penalty of the bond, nor the forfeiture of lands mentioned in the act under which the bond was given, is of the character of fines and forfeitures, contained in the 11th section of article 5 of the Constitution. The forfeiture of the land is the mere forfeiture of the right to acquire the same. No land had vested in the company, and by the act none could vest, until the performance of certain conditions. If the company failed to fulfill the conditions upon which the land was to be granted, the right to claim the land was forfeited, and no judicial decree or sentence was necessary to re-invest it in the State.

The act under which the right was created, and the forfeiture provided, is in the power and control of the Legislature. Its terms and conditions may be extended, except so far as relates to the rights acquired by third parties, at the pleasure of the Legislature. It is always in the power of the Legislature to release such a penalty, *before* or *after* judgment; to repeal the law imposing the penalty, or to dismiss the suit for the recovery of the same. To sustain this position, the undersigned might recite a multitude of authorities, but they will only refer to two or three, which must be regarded as conclusive.

In the year 1835 the Legislature of Maryland passed an act to encourage the construction of Internal Improvements. The original Charter of the Baltimore and Ohio Railroad Company authorized the construction of a road from Baltimore to some suitable point on the Ohio River, without designating the route over which the road was to pass. By this act the State proposed to subscribe \$3,000,000 of the stock, provided the company assented to the provisions of that law; and amongst the provisions of that act it was declared:

"That if the said Baltimore and Ohio Railroad company shall not locate the said road in the manner provided for in this act, then they shall forfeit \$1,000,000 to the State of Maryland for the use of Washington county."

The road by the act was required to be so located as to pass through two towns in Washington county. The company ac-

cepted the provisions of the act ; but located the road entirely without the limits of Washington county. By the very terms of the law, the \$1,000,000 was forfeited to the State of Maryland, for the use of Washington county. Suit was brought in the name of the State to recover the forfeiture for the use of the county. Pending the suit, the Legislature of Maryland passed a law to relieve the company from the conditions of constructing the road through Washington county, and also releasing the forfeiture. The constitutionality of this law was resisted, and especially upon the ground that the county of Washington had acquired a vested interest in the forfeiture, of which it could not be deprived by Legislative enactment. The case was appealed to the Supreme Court of the United States, and by that tribunal it was held, that the forfeiture was in the nature of a penalty or punishment, and was within the power and control of the Legislature of Maryland, to enact or release. That had it been viewed in the light of a contract, the county of Washington had acquired no such vested interest as to prevent the Legislature of Maryland from releasing the penalty. The case is reported in 3d Howard, and is conclusive.

The Constitution of Maryland gives the Governor power to grant pardons and to release fines and forfeitures, in terms stronger than the section relied on. The language is as follows :

“ He, (the Governor,) shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other articles of this Constitution, and to remit fines and forfeitures, for offences against the State ; but shall not remit the principal or interest of any debt due the State, except in cases of fines and forfeitures [Art. 2, Sec. 19.]

It will be seen this section gives the Governor power to remit absolutely, fines and forfeitures, *before* or *after* judgment.

In the case of the United States *vs.* Harris, reported in 10th Wheaton, the Supreme Court of the United States held, that Congress had the power to authorize the Secretary of the Treasury to remit any penalty or forfeiture, incurred by the breach of the revenue laws, either *before* or *after* judgment ; and if remitted before the money was actually paid, it embraced the shares given by law in such cases, to the officers of the revenue, as well as the share of the United States. In delivering the opinion of the Court in the first case cited,

Chief Justice Taney quotes the latter and says, "the right to remit a penalty like this, stands upon the same principal And in the first opinion the Chief Justice and counsel many other cases equally strong in favor of the Legislature power over contracts, fines and forfeitures.

It must be remembered that the power to grant pardon and to release fines and forfeitures, is, by the Constitution the United States, conferred upon the President; yet this never been so construed as to exclude Congress from releasing any fine, penalty or forfeiture. A multitude of cases may be cited in which such releases have been made, not only by Congress, but by the Legislatures of most of the States in the Union.

In the opinion of the Supreme Court before referred to is emphatically stated that the "repeal of the law imposing the penalty, is of itself a remission."

The undersigned, therefore, believing it proper under the circumstances, to grant the relief asked, and having no doubt as to the constitutional power of the Legislature to do recommend the passage of the bill.

M. M. POTTER,
L. T. WIGFALL,
GEO. QUINAN,
R. H. GUINN,
I. A. PASCHAL,
F. S. STOCKDALE,
J. W. THROCKMORTON,
BEN. F. TANKERSLY,
C. B. SHEPARD,
J. M. BURROUGHS,

Majority of Committee

On motion of Mr. Tankersly, the report and bill were n the special order for Tuesday next.

On motion of Mr. Scarborough, a bill to relinquish State tax for the years 1858 and 1859, to certain coun &c., was taken up, read, and made the special order for Monday next, the 8th inst; at 11 o'clock, A. M.

On motion of Mr. Maverick, the Senate proceeded to the consideration of its special order.

The joint resolutions relative to the arrest of General Walker, which were taken up, and read.

Mr. Walker moved the previous question.

On motion of Mr. Taylor of Fannin, a call of the Senate was ordered.

Absent : Messrs. Fall, Lott, Martin and Russell.

On motion of Mr. Potter, a bill for the relief of the heirs of Jefferson Smith was taken up and read second time.

On motion of Mr. Potter, the bill was amended by adding :
 "Provided said Smith nor his heirs have ever received land as a headright."

The bill was then ordered to be engrossed.

The rule was suspended, bill read a third time and passed.

Mr. Burroughs from the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed and this day presented to the Governor:

A joint resolution recognizing the rank of P. W. Humphreys, as a commander in the late Navy of Texas at the time of annexation ;

A bill to incorporate the Tennessee Colony Masonic Institute ;

A bill to authorize the County Courts to regulate roads, appoint overseers, &c., &c.;

A bill to amend the second section of an act to incorporate the Eastern Texas and Red River Insurance company ; and

A bill providing the manner in which the fund set aside for the improvement of Buffalo Bayou shall be expended.

By leave, Mr. Stockdale introduced a bill to amend an act to incorporate the Memphis, El Paso and Pacific Railroad company, and the act supplemental thereto ; read first time.

On motion of Mr. Stockdale, the rule was suspended, and bill read second time.

Mr. Herbert moved the reference of the bill to the committee on Internal Improvements ; lost.

The bill was then ordered to be engrossed.

On motion of Mr. Russell, the Senate adjourned until Monday morning, 10 o'clock.

MONDAY, February 8th, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The journal of Saturday was read and adopted.

Mr. Russell, Chairman of the committee on Engrossed Bills, reported the following bills correctly engrossed :

A bill for the relief of the heirs of John Gay, deceased.